

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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:
ALPHA CAPITAL ANSTALT
:

Plaintiff,
:

-against-
:

BRILLIANT TECHNOLOGIES
CORPORATION,
:

Defendant.
:
:
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08 CV 03369 (DAB)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the Declaration of Lawrence J. Reina, Esq. dated June 11, 2008 and the exhibits provided therewith and the accompanying Memorandum of Law, the undersigned will move this Court before the Honorable Deborah A. Batts, United States District Judge for the Southern District of New York, at the United States Courthouse, 500 Pearl Street, Room 2510, New York New York 10007, on a date and time to be determined by the Court, for an Order pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6): (i) dismissing Counts I and II of the Plaintiff's Complaint; and (ii) for such other relief as the Court deems necessary and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 6.1(b), opposition papers, if any, must be served so as to be received no later than June 25, 2008.

Dated: New York, New York
June 11, 2008

REED SMITH LLP

By: /s/ Lawrence J. Reina
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